

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**NAUTILUS NEUROSCIENCES, INC.,
et al.,**

Plaintiffs,

V.

WOCKHARDT USA LLC, et. al.,

Defendants.

Civil Action No. 11-1997 (ES)

Civil Action No. 12-1243 (ES)

ORDER

SALAS, DISTRICT JUDGE

Presently before the Court is the parties' request for claim construction in these patent infringement actions. The parties have provided the Court with briefing relating to the constructions of the claim terms-in-dispute, and the Court held a *Markman* hearing on January 17, 2013. For the reasons in the accompanying Opinion,

IT IS on this 27th day of February, 2013, hereby

ORDERED that the disputed terms of United States Patent No. 6,974,595 shall be construed as follows:

- (1) “diclofenac formulation comprises diclofenac in acid and/or salt form” means “a formulation of diclofenac that contains an alkali metal carbonate or bicarbonate”;
- (2) “means for enhancing said average T_{\max} ” means “the use of an agent to shorten the time to maximum plasma concentration of diclofenac in the blood of a human patient” and the corresponding structure is “alkali metal bicarbonates”;

and it is further

ORDERED that the disputed terms of United States Patent No. 8,097,651 shall be construed as follows:

- (1) “a buffering or alkalizing agent” means “an agent that controls, maintains, or raises the pH of a solution”;
- (2) “alkaline buffering agent or alkalizing agent” means “a basic agent that controls, maintains, or raises the pH of a solution.”

s/Esther Salas
Esther Salas, U.S.D.J.